

## Message Text

CONFIDENTIAL

PAGE 01 USUN N 03726 152106Z

67

ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 ACDA-07 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07

INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06

OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01

FEA-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 /158 W

----- 129609

P 151913Z SEP 76

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 9154

C O N F I D E N T I A L USUN 3726

FROM US LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: CLASSIFIED WEEKLY SUMMARY LAW OF THE SEA CONFERENCE  
SEPTEMBER 6-10, 1976

COMMITTEE I

1. COMMITTEE I CONCLUDED ITS BUSINESS EARLY LAST WEEK WITHOUT TAKING UP THE MATTER OF THE ASSEMBLY AND COUNCIL IN VIEW OF THE LACK OF TIME FOR FULL DISCUSSION AT THIS SESSION. THE COMMITTEE THEN WENT INTO FORMAL ON-THE-RECORD SESSION TO REVIEW THE CO-CHAIRMAN'S REPORT ON ACTIVITIES IN THE WORKSHOP. HARDLINE STATEMENTS WERE MADE BY ALGERIA, IRAQ, TANZANIA, AND COLOMBIA, BUT WERE COUNTERED SHARPLY BY SURPRISINGLY MODERATE STATEMENTS BY MEXICO, SENEGAL, PERU, IVORY COAST, JAMAICA, CAMEROON AND GUATEMALA. A COMMON THEME OF THE LATTER INTERVENTIONS WAS THAT ONE REASON FOR THE LACK OF PROGRESS THIS SESSION WAS THE  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03726 152106Z

LIMITED PERIOD AVAILABLE BETWEEN THE TWO NEW YORK MEETINGS

IN WHICH TO DIGEST THE RSNT AND DEVELOP NEW POSITIONS AND THAT LL DELEGATIONS AND GROUPS SHOULD COME TO THE NEXT SESSION PREPARED TO MAKE THE HARD POLITICAL COMPROMISES NECESSARY TO REACH AGREEMENT. THESE DELEGATIONS ALSO EMPHASIZED THAT A KEY QUESTION THAT HAD TO BE DEALT WITH WAS THE FINANCING OF THE ENTERPRISE.

2. THE US MADE ITS STATEMENT ON FRIDAY AND TOOK THE OPPORTUNITY TO SUMMARIZE FOR THE RECORD THE SECRETARY'S PROPOSALS ON THE ENTERPRISE AND THE REVIEW CONCEPT. WE INDICATED THAT A DETAILED ELABORATION COULD ONLY COME AFTER THE GROUP OF 77 ACCEPTED THE PARALLEL SYSTEM WITH GUARANTEED ACCESS FOR STATES AND PRIVATE COMPANIES. THE U.S. ALSO STRESSED THAT THE RESULTS OF THIS SESSION SHOULD BE A CLEAR INDICATION THAT THE US AND OTHER MAJOR INDUSTRIALIZED STATES HAD REACHED THEIR MINIMUM POSITION. ON THE OTHER HAND, THE GROUP OF 77 FINAL POSITIONS WERE NOT CLEAR AND WOULD NOT BE UNTIL THE COMMITTEE ADOPTED PROCEDURES, INCLUDING PERHAPS VOTING, WHICH WOULD FORCE DECISIONS TO BE TAKEN.

3. THE COMMITTEE WILL CONTINUE THE GENERAL DEBATE ON SEPTEMBER 14 TO HEAR THE FEW REMAINING SPEAKERS. CHAIRMAN ENGO WILL GIVE HIS FINAL REPORT TO THE PLENARY ON FRIDAY, AND WHILE WE HAVE NO IDEA OF WHAT THIS REPORT WILL CONTAIN, ENGO'S STATEMENTS TO THE GENERAL COMMITTEE ON SEPTEMBER 13 PICKED UP MOST OF THE THEMES PURSUED BY THE US ON FRIDAY.

COMMITTEE II:

4. MEETINGS OF THE COMMITTEE AS A WHOLE SITTING IN INFORMAL SESSION ON ITEMS OTHER THAN THOSE PREVIOUSLY DESIGNATED BY THE CHAIR AS PRIORITY ISSUES. THE ITEM ATTRACTING THE MOST ATTENTION WAS ARTICLE 20(2) ON DESIGN, CONSTRUCTION, MANNING, AND EQUIPMENT STANDARDS IN THE TERRITORIAL SEA. OTHER ITEMS RECEIVING SOME ATTENTION WERE ENCLOSED AND SEMI-ENCLOSED SEAS, THE BREADTH OF THE TERRITORIAL SEA, BASELINES, AND ARCHIPELAGOES. THE U.S. INTERVENED ON THE TRANSITIONAL ARTICLE POINTING OUT ITS INAPPROPRIATENESS IN THIS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 03726 152106Z

TREATY AND REMINDING DELS OF OUR AMENDMENT. DEBATE ON MISCELLANEOUS ITEMS WAS INCLUSIVE, AND IT IS CLEAR CHAIR WILL PERMIT NO FURTHER DISCUSSION ON THEM THIS SESSION.

5. THE STRAITS NEGOTIATING GROUP MET TWICE. MALAYSIAN AMENDMENTS TO THE STRAITS ARTICLES RECEIVED SUBSTANTIAL ATTENTION, CAUSING MARITIME STATES TO

INDIVIDUALLY APPROACH CHAIRMAN AND AMKE CLEAR THAT FORMATION OF ANY SPECIAL NEGOTIATING GROUP ON THIS ISSUE WOULD BE UNACCEPTABLE. US DEL ADVISED CHAIR U.S. WOULD NOT PARTICIPATE IN ANY SUCH GROUP. DEBATE CONTINUES IN NEGOTIATING GROUP WEDNESDAY. IT IS UNLIKELY THE ISSUE WILL BE CARRIED FURTHER AT THIS SESSION.

6. THE DELIMITATION GROUP MET TWICE, BUT DEBATE WAS ESSENTIALLY BILATERAL. CANADIANS AND SPANISH SUGGESTED AMENDMENTS PUTTING EMPHASIS ON MEDIAN LINE AS A SOLUTION TO DELIMITATION PROBLEMS, BUT CANADA HAS SUBSEQUENTLY MODIFIED THE PROPOSAL TO PRIVDE A BALANCE BETWEEN THE MEDIAN LINE AND OTHER LINES AS A MEANS OF DOING EQUITY. A SMALL GROUP WAS ESTABLISHED TO DEAL FURTHER WITH THIS PROBLEM.

7. AS THE WORK OF THE COMMITTEE NEARS COMPLETION FOR THE THIS SESSION, IT IS CLEAR THERE WILL BE NO BREAKTHROUGHS ON MAJOR ISSUES. THE TEXT OF PART II IS NOT LIKELY TO BE CHANGED, ALTHOUGH THE CHAIRMAN MIGHT USE THE MEDIUM OF HIS REPORT TO SUGGEST POSSIBLE COMPROMISES.

#### COMMITTEE III

8. MARINE POLLUTION. WHILE THERE WERE SEVERAL SMALL GROUP DISCUSSIONS ON QUESTION OF TERRITORIAL SEA STANDARDS, NO COMPROMISE WAS REACHED AND ISSUE WILL REMAIN OPEN FOR FUTURE NEGOTIATIONS. DISCUSSIONS ON OTHER POLLUTION TEXTS TERMINATED WITH A FEW CHANGES GENERALLY AGREED INCLUDING A NEW TEXT ON ARTICLE 21, PARA. 5. THAT ARTICLE PROVIDES CLEARER BASIS FOR ESTABLISHING REGULATIONS FOR SPECIAL AREAS AND SPECIFIES THAT COMPETENT INTERNATIONAL ORGANIZATION (IMCO) SHALL HAVE DETERMINING CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USUN N 03726 152106Z

RULE REGARDING SUCH REGULATIONS.

9. MARINE SCIENTIFIC RESEARCH. AUSTRALIA CONTINUED TO CONSULT PRIVATELY ON ITS COMPROMISE PROPOSAL BASED ON CONSENT CONCEPT BUT LIMITING LIST OF CRITERIA ALLOWING CONSENT TO BE WITHHELD. AUSTRALIAN REP REPORTED GOOD REACTIONS FROM A NUMBER OF COASTAL STATES BUT ONLY AS A FINAL COMPROMISE AND NOT AS A BASIS FOR FURTHER NEGOTIATIONS. IN FORMAL COMMITTEE III MEETING, CHAIRMAN YANKOV SAID THAT BASIC ISSUE OF ARTICLE 60 REGIME FOR SCIENTIFIC RESERACH WAS STILL OPEN. HE SUMMARIZED DEBATES, STATING THAT SOME TYPE OF CONSENT CONCEPT WAS NECESSARY, IN HIS OPINION, TO ACHIEVE COMPROMISE. HE CHARACTERIZED QUALIFIED CONSENT CONCEPT AS A MIDDLE POSITION AND INTRODUCED HIS PRIVATE TEST PROPOSAL AS A POSSIBLE COMPROMISE. U.S. STATED THAT

TEST PROPOSAL WAS WORSE THAN RSNT AND THAT EVEN RSNT WAS NOT AN ACCEPTABLE COMPROMISE. SOME DEVELOPING COUNTRIES (KENYA, BRAZIL, TANZANIA, SOLALIA) REJECTED BOTH TEXTS ON GROUNDS OF BEING TOO FAR FROM COASTAL POSITIONS. DISCUSSION WILL CONTINUE THIS WEEK.

DISPUTE SETTLEMENT:

1. USSR, ISRAEL AND FRANCE SOUGHT TO RESTRICT THE RIGHT OF INTERVENTION IN ARTICLES 32 AND 33 TO AVOID GRANTING SUCH RIGHT TO ENTITIES OTHER THAN STATES, AND TO ALLOW INTERVENTION WITHOUT MAKING THE DECISION BINDING ON THE INTERVENOR. THE NETHERLANDS PROPOSED A METHOD OF ALLOWING CONTRACTING PARTIES TO SUBMIT STATEMENTS ON A QUESTION OF INTERPRETATION OR APPLICATION OF THE LOS CONVENTION TO BE MODELLED ON THE PROCEDURE USED IN THE ICJ FOR ADVISORY OPINION CASES. THE US SUGGESTED THAT TWO OR MORE CONTRACTING PARTIES IN CONCERT SHOULD BE ABLE TO ASK FOR AN ADVISORY OPINION FROM THE LOS TRIBUNAL.

11. THE DEVELOPING COUNTRIES SOUGHT DELETION OF ANNEX II RELATING TO SPECIAL PROCEDURES, WHILE THE EUROPEANS AND JAPAN DEFENDED THE ANNEX. THE USSR SAID IT COULD NOT SUPPORT ANY COMPULSORY DISPUTE SETTLEMENT IF ANNEX II IS DELETED, AND POLAND PROPOSED AMENDMENTS MAKING THE SPECIAL PROCEDURES MORE LIKE TECHNICAL ARBITRATION.  
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 USUN N 03726 152106Z

SCRANTON

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** FINANCE, LAW OF THE SEA, MEETING REPORTS, USS ENTERPRISE, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 15 SEP 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** coburnhl  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976USUNN03726  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760348-0701  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760955/aaaabvmr.tel  
**Line Count:** 202  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION DLOS  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** coburnhl  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 19 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <19 MAY 2004 by woolflhd>; APPROVED <15 SEP 2004 by coburnhl>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS: CLASSIFIED WEEKLY SUMMARY LAW OF THE SEA CONFERENCE SEPTEMBER 6-10, 1976 COMMITTEE I  
**TAGS:** PLOS, ACMM, UN, LOS  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006